



US Army Corps of Engineers

Vicksburg District

4155 Clay Street

Vicksburg, MS 39180-3435



Public Notice

FILE NO.

GENERAL PERMIT-49

EVALUATOR

PHONE NO.

Ms. Anne Woerner (601) 631-5298

DATE April 26, 2001

EXPIRATION DATE May 29, 2001

FOR: CREATION, ENHANCEMENT, MAINTENANCE, AND RESTORATION OF
WILDLIFE AND FISHERIES HABITATS

WHERE: REGULATORY JURISDICTION OF THE VICKSBURG DISTRICT

BY WHOM: DISTRICT ENGINEER, VICKSBURG DISTRICT, ON BEHALF OF THE
GENERAL PUBLIC

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Vicksburg District, the Arkansas Department of Environmental Quality, the Louisiana Department of Environmental Quality and the Mississippi Department of Environmental Quality are considering reissuance of a General Permit and State Water Quality Certifications for activities described herein. Comments should be forwarded to the Vicksburg District, ATTN: CEMVK-OD-FP and the appropriate State Agency listed below. Comments must reach these offices by the expiration date cited above.

In Arkansas, water quality comments should be directed to the Arkansas Department of Environmental Quality at Post Office Box 8913, Little Rock, AR 72219-8913.

In Louisiana, a water quality certification is required in accordance with statutory authority contained in the Louisiana Revised Statutes of 1950, Title 30, Chapter 11, Part IV, Section 2074 A(3) and provisions of Section 401 of the Clean Water Act (P.L. 95-217). Water quality comments should be forwarded to the Louisiana Department of Environmental Quality, Office of Water Resources, Water Pollution Control Division, Post Office Box 82215, Baton Rouge, LA 70884. The Louisiana Department of Environmental Quality has additional information on file in their office in Baton Rouge and may be inspected at any time between 8:00 a.m. and 4:30 p.m. weekdays. Copies may be obtained from the Louisiana Department of Environmental Quality upon payment of the cost of printing. The Louisiana Department of Environmental Quality will make a final decision on the water quality certification pertaining to this General Permit within 30 days after expiration of this notice.

In Mississippi, water quality comments should be directed to the Mississippi Department of Environmental Quality, Office of Pollution Control, Post Office Box 10385, Jackson, MS 39289-0385.

The U.S. Army Corps of Engineers, Vicksburg District is considering the reissuance of a General Permit for regulated activities, including the deposition of dredged and fill material into waters of the United States associated with the construction of various features and structures for the creation, enhancement, maintenance, and restoration of wetlands and other aquatic habitats within the regulatory jurisdiction of the Vicksburg District. A map of the boundaries of the Vicksburg District is enclosed (enclosure 1). This General Permit has been used over the past 5 years to authorize 193 projects that have resulted in a net increase in wetlands. The type of projects authorized under General Permit 49 have resulted in no discernable adverse effects on the environment.

This proposed General Permit contains certain limitations intended to protect the environment and natural and cultural resources. Conformance with conditions contained in the General Permit does not necessarily guarantee authorization under this General Permit. In cases where the District Engineer considers it necessary, application will be required for individual permits. Listed below are typical activities that would be authorized under this General Permit:

1. Installation and Management of Moist Soil Units. This activity is restricted to cleared or early successional wetlands. Clearing is limited to trees less than 2 inches in diameter-at-breast-height (dbh), or to species of low habitat value (e.g., Chinese tallow-tree and black willow). Land leveling is prohibited. No moist soil management unit shall be authorized in an area that has high floodwater storage value.

2. Construction and Management of Greentree Reservoirs. A water-level management plan (encl 2) must be submitted with the application for construction of greentree reservoirs. Levee dimensions shall be specified, and greentree reservoirs shall not be authorized in areas that have high floodwater storage value. Appropriate resource agencies will be given 30 days to review applications for greentree reservoirs and provide comments.

3. Installation, Repair, and Replacement of Ditch Plugs and Water Control Structures. The extent of hydrological impact shall be evaluated. Installation of features that result in vegetated wetland impoundment during the growing season are prohibited.

4. Establishment and Maintenance of Fence Rights-of-Way. A maximum width of 15 feet on either side of the fence may be established and maintained.

5. Establishment of Food Plots. The maximum individual plot size shall not be more than one-half acre, with a total acreage not to exceed 1 percent of the wooded tract.

6. Improvement of Open Water Habitats. Dredging activities shall be limited to unvegetated open water areas, and spoil deposition shall be restricted to open water or upland sites. If hydrologic manipulation of the open water habitat is requested, a water-level management plan shall be submitted with the permit application.

7. Mechanical Removal of Undesirable Vegetation to Improve Timber Stands as Habitat for Wildlife. Existing and desired forest stand composition

shall be indicated and state-approved best management practices shall be followed.

8. Installation and Maintenance of Fire Lanes. This activity shall be limited to early-successional (1 to 20 years) bottomland hardwood restoration areas or to pine savanna habitats that require continual fire maintenance. A maximum fire lane width of up to 25 feet can be installed and maintained. A demonstration of the need for fire lanes shall be provided.

9. Discing Undesirable Woody Vegetation to Prepare a Site for Reforestation. Existing and desired forest stand composition shall be indicated and state-approved best management practices shall be followed.

10. Road Construction for Wildlife Management Purposes. Installation of culverts and bridges are required to ensure that roads do not act as levees. The road must be used for wildlife management purposes. The road shall not exceed 30 feet in width and shall not impact more than 1 acre of wetlands.

11. Recreational and Educational Features such as Fishing Piers and Boardwalks of 1 acre or less. Features that result in wildlife harassment (e.g., boardwalk construction into wading bird rookeries) are prohibited.

This action is being taken pursuant to Federal regulations printed in the Federal Register on November 13, 1986, concerning permits for activities in waters of the United States. These regulations state the U.S. Army Corps of Engineers' responsibility for regulating structures or work in or affecting waters of the United States under Section 10 of the Rivers and Harbors Act of 1899 (30 Stat. 1151; 33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

General Permits may be issued for a category or categories of activities when: (1) those activities are substantially similar in nature and cause only minimal individual and cumulative environmental impacts; or (2) the General Permit would result in avoiding unnecessary duplication of the regulatory control exercised by another Federal, state, or local agency, provided it has been determined that the environmental consequences of the action are individually and cumulatively minimal. The determination that the proposed activities comply with the requirements for issuance of General Permits was made using information which is available for inspection at the offices of the Vicksburg District's Regulatory Branch at 4155 Clay Street, Vicksburg, Mississippi.

In compliance with requirements of Section 401 of the Clean Water Act, the Vicksburg District has applied for water quality certification from the Mississippi Department of Environmental Quality, the Arkansas Department of Pollution Control and Ecology, and the Louisiana Department of Environmental Quality, stating that the work authorized by the proposed General Permit will not violate applicable provisions of Sections 301, 302, 306, and 307 of the Act.

REQUEST FOR AUTHORIZATION UNDER THE GENERAL PERMIT: IN ORDER TO BE AUTHORIZED BY THIS GENERAL PERMIT, PERSONS PROPOSING THE WORK ARE REQUIRED TO SUBMIT TO THE DISTRICT ENGINEER, IN WRITING, THE FOLLOWING INFORMATION AT LEAST 30 DAYS PRIOR TO CONDUCTING THE WORK:

a. State the number of the General Permit under which the work is to be conducted. (General Permit - 49)

b. Name, mailing address, and telephone number of person/agency applying for authorization.

c. A brief description of the proposed activity, its purpose, and intended use.

d. A brief description of the present condition of the project site.

e. Estimated starting and completion dates of construction.

f. Statement that the work will be conducted in compliance with the terms and conditions of the General Permit and will not adversely impact adjoining properties.

g. Location map showing the proposed worksite (including Section, Township, Range, County or Parish, and State).

h. Drawing of any proposed structures including dimensions and amounts of excavated and fill material in cubic yards.

Upon receipt of this information, the District Engineer will evaluate the proposal and advise the inquiring party, in writing, either that the work is authorized under the General Permit; will request additional information, if needed; or will advise that the proposed activity will require an individual permit.

Special Conditions:

a. The authorized structure(s) shall not extend into the channel of a receiving stream to the extent that it would interfere with navigation (including recreational boating) or adversely affect the flow-carrying capacity of the receiving stream.

b. Excavation during site preparation for a pipe structure shall be no more than necessary to place the structure. Side slopes of levees, ditches, and other structures shall be 1 vertical to 3 horizontal or greater to increase stability.

c. Any fill material shall be compacted upon completion of construction. Any areas disturbed by construction activities shall be naturally revegetated, seeded, or sodded as necessary to restore cover and prevent erosion. In areas subject to currents, riprap may be required for slope protection.

d. Material used for fill may be obtained from site preparation; if additional material is required, it shall be obtained from an area which shall provide nonpolluting material. Additional material shall not be obtained from any vegetated wetland or from any area which will affect an adjacent wetland.

e. All excess material not used in construction shall be placed in an upland disposal area.

f. The construction activity shall not prolong the inundation, drain, or augment the drainage of surrounding wetlands to the point of adverse impacts.

g. No activity which may adversely impact a site listed in or eligible for listing in the National Register of Historic Places shall be allowed by this General Permit. Additional material shall not be taken from a known historical or archeological site such as an Indian Mound. If the permittee, during prosecution of work authorized herein, encounters a previously unidentified archaeological or other cultural resource within the area subject to Department of the Army jurisdiction, he shall immediately notify the District Engineer. The District Engineer, in consultation with the appropriate State Historic Preservation Officer and the Tribal Archaeologists, will comply with 33 CFR 325, Appendix C, paragraph 11 (Historic Properties Discovered During Construction).

h. Authorized structures shall not increase frequency, duration, or elevation of floodwater on areas outside the project site. If the topography of the project area suggests to the District Engineer that drainage patterns on adjoining properties may be adversely affected, appropriate survey data depicting the extent of the impact of the structure shall be required from the applicant prior to a permit decision.

i. If damage to a revetment occurs as a result of work conducted in accordance with this General Permit, the permittee shall be required to make necessary repairs at his own expense. These repairs must meet specifications designated by the District Engineer.

j. The discharge shall not occur in a component or a proposed component of the National Wild and Scenic River System or in a component of a state Scenic River System or Special Category Waters without the appropriate Federal or state authorization.

k. No discharge shall occur in a coastal zone without the appropriate state authorization. The coastal zone approval shall be submitted with the request for authorization under this General Permit. In order to be authorized by this General Permit for work in Hancock County, Mississippi, or St. Tammany Parish, Louisiana, persons proposing work are required to send complete plans to the appropriate state at one of the following addresses:

Mississippi Department of Marine Resources
Suite 101
1141 Bayview Avenue
Biloxi, Mississippi 39530

Louisiana Department of Natural Resources
Coastal Management Division
Post Office Box 44487
Baton Rouge, Louisiana 70804-4487

l. All construction activities shall be performed in a manner that will minimize increased turbidity of the water in the work area and otherwise minimize adverse effects on water quality and aquatic life.

m. The discharge shall not adversely affect a public water supply intake. Any project, which is deemed by the District Engineer to have the potential to affect water quality at a public water supply intake, must obtain approval from the Department of Health of the appropriate state.

n. The discharge shall not contain unacceptable levels of pathogenic organisms in areas used for recreation involving physical contact with the water. No sewage, oil, refuse, or other pollutants shall be discharged into the water course.

o. The discharge shall not occur in areas of concentrated shellfish production.

p. The discharge shall not destroy or adversely affect threatened or endangered species or their critical habitat as identified under the Endangered Species Act.

q. Water impoundment in vegetated wetlands or bottomland hardwood areas shall not be allowed during the growing season. For the Vicksburg District, the growing season is typically March 15 to November 15.

r. Greentree reservoirs shall remain dry 1 out of 3 years (except during natural flood events).

s. The permittee shall have the greentree reservoir (GTR) monitored on an annual basis by a professional forester and provide a report of the results to the Corps of Engineers. Permittees may contact their county or parish forester (State Forestry Commission) for assistance. The annual report shall be due no later than July 15 of each year. The report shall include but not be limited to: an assessment of vegetation changes or stress; a description of water management, including water depth, flooding and dewatering dates; and recommendations for operating the GTR the following year. Special conditions concerning the operation of the GTR may be modified or added as a result of the findings of the annual report. The Corps shall provide a copy of the annual report to the appropriate resource agencies.

General Conditions:

a. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition b. below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this authorization from this office, which may require restoration of the area.

b. If you sell the property associated with the authorization under this General Permit, you must contact this office so that the authorization can be transferred to the new owner.

c. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

d. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

e. This permit does not grant any property rights or exclusive privileges.

f. This permit does not authorize any injury to the property or rights of others.

g. This permit does not authorize interference with any existing or proposed Federal project.

h. In issuing this permit, the Federal Government does not assume any liability for the following:

(1) Damages to the permitted project, or uses thereof, as a result of other permitted or unpermitted activities or from natural causes.

(2) Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

(3) Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

(4) Design or construction deficiencies associated with the permitted work.

(5) Damage claims associated with any future modification, suspension, or revocation of this permit.

i. In issuing individual authorization under this General Permit, the Government will rely on the information and data which the permittee provides in connection with his permit application. If, subsequent to the authorization, such information and data prove to be false, incomplete, or inaccurate, this authorization may be modified, suspended, or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings.

Further Information:

a. Additional copies of this Public Notice are available upon request from this office. Requests may be addressed to: USACE, Vicksburg District, ATTN: Regulatory Branch, 4155 Clay Street, Vicksburg, Mississippi 39183-3435.

b. The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

c. The U.S. Army Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

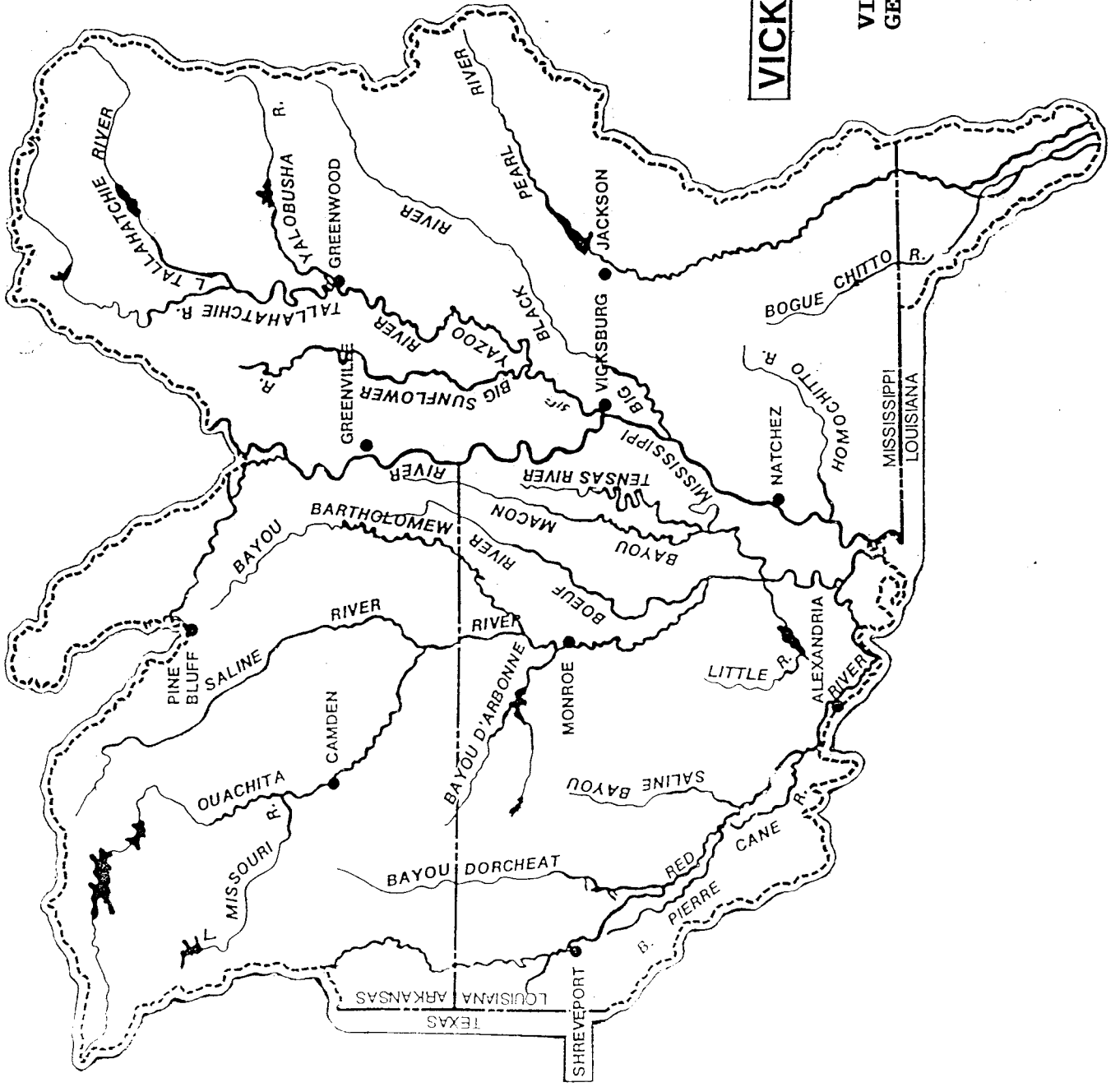
d. Any person may make a written request for a public hearing to consider this proposed General Permit. This request must be made by the date specified above and must clearly state why a hearing is necessary. Any individual or agency may comment on the project described in this notice; however, failure to comment will be interpreted to mean that there is no objection to the proposed General Permit. All comments received will be evaluated during the review process of this proposed General Permit.

e. Please bring this announcement to the attention of anyone you know who might be interested in this matter. Anyone wishing to make comments may communicate with us at the following address: USACE, Vicksburg, ATTN: Regulatory Branch, 4155 Clay Street, Vicksburg, Mississippi 39183-3435.



Robert Crear
Colonel, Corps of Engineers
District Engineer

Enclosures



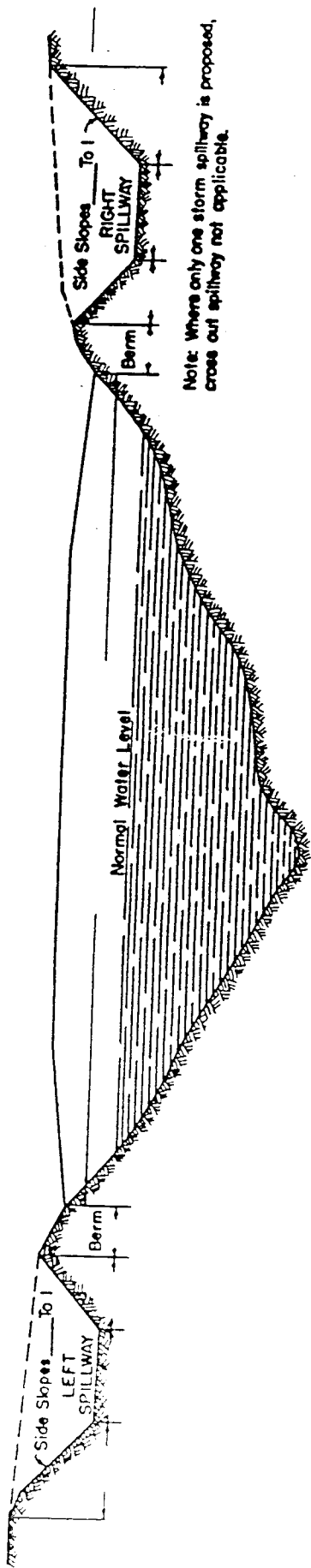
VICKSBURG DISTRICT

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ENCLOSURE 1

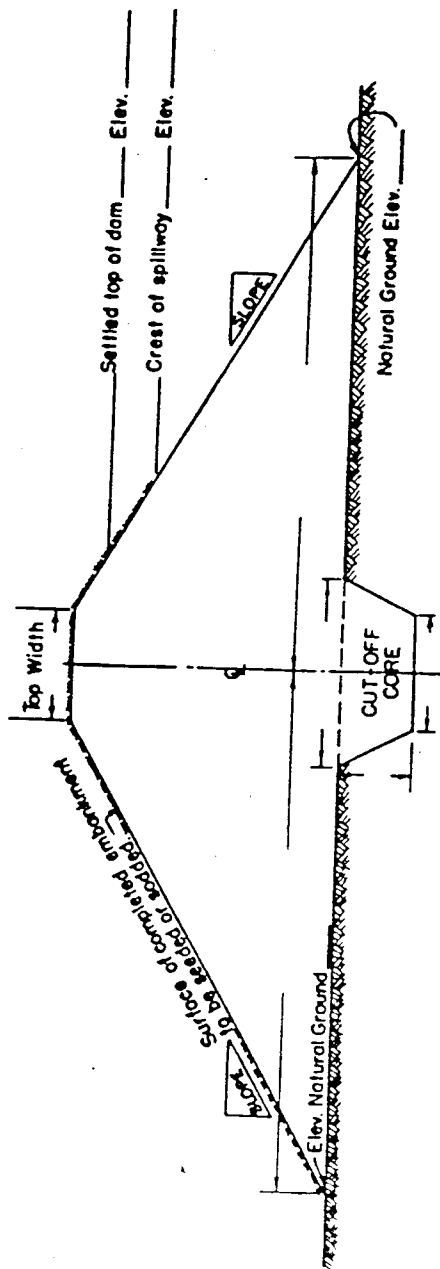
WATER-LEVEL MANAGEMENT PLAN FEATURES

1. Detailed drawings of the type, quantity, and positioning of necessary water control structures.
2. Topographical maps of the project site, including all areas indirectly influenced via the proposed hydrological manipulation.
3. A time schedule describing the dates of flooding and draw-down, and the duration of time necessary to achieve the intended water-level manipulation.
4. An estimate of the level of flooding and the degree of water-level fluctuation proposed during the period of impoundment.
5. If the area to be flooded contains woody vegetation, a description of the vegetative composition of the affected area.



Note: Where only one storm spillway is proposed, cross out spillway not applicable.

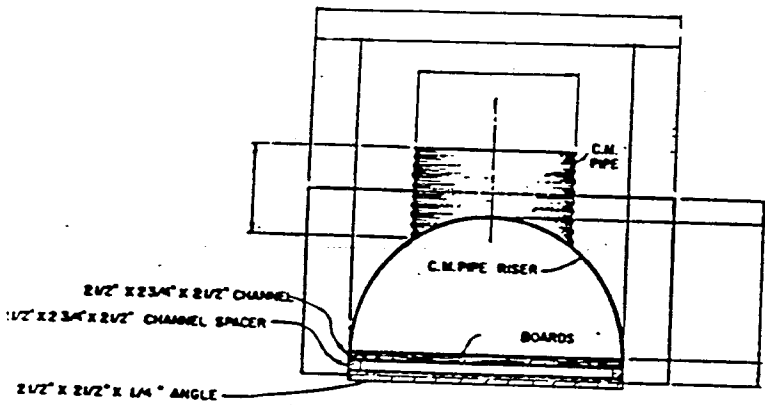
PROFILE



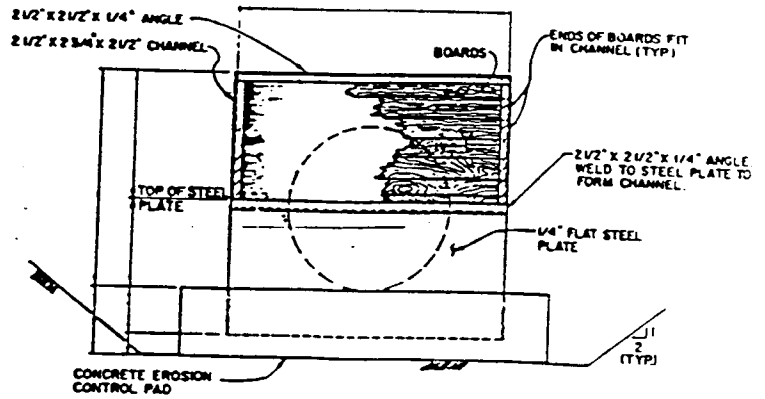
SECTION

TYPICAL WATER CONTROL WEIR

VICKSBURG DISTRICT
GENERAL PERMIT-49

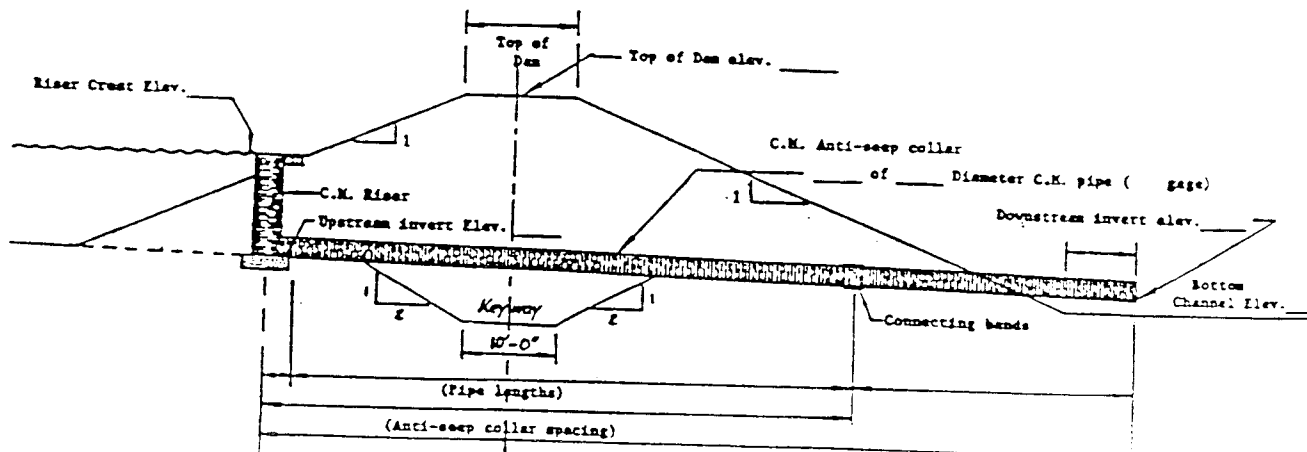


PLAN



FRONT ELEVATION

TYPICAL FLASHBOARD RISER VIEWS



SECTION

TYPICAL DROP INLET STRUCTURE

(MAY BE MODIFIED FOR A STOPLOG / FLASHBOARD RISER STRUCTURE)